

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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CRYOVAC, INC.,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No.: 04-1278-KAJ
	)	
PECHINEY PLASTIC PACKAGING INC.,	)	
	)	
Defendant.	)	
	)	

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**DECLARATION OF JEFFREY GARDNER**

I, Jeffrey Gardner, hereby depose and declare as follows:

1. I was employed by Cryovac, Inc. as a Vice President of Sales for North America in December 2003 and January 2004.
2. When National Beef sent its January 14, 2004 e-mail to Cryovac, the parties had negotiated a document that included the quantity, price, and the type of products to be supplied, along with the other essential terms of an agreement.
3. Approximately 2 ½ hours after Cryovac received the National Beef e-mail on January 14, 2004, I responded with an confirming e-mail that stated

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed this 5th day of April, 2005,



A handwritten signature in black ink, appearing to read "Jeffrey Gardner". Below the signature, the name "Jeffrey Gardner" is printed in a smaller, sans-serif font.